

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECUNDINO GARCIA PICHARDO, ON
BEHALF OF HIMSELF, FLSA
COLLECTIVE PLAINTIFFS, AND THE
CLASS,**

Plaintiff,

-against-

**BOSTON POST FOOD CORP. d/b/a C-
TOWN, and RAMON VARGAS,**

Defendants.

24-cv-4520 (ALC)

DEFAULT JUDGMENT

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff Secundino Garcia Pichardo brings this action against Defendants Boston Post Food Corp. d/b/a C-Town and Ramon Vargas (“Defendants”), alleging unpaid overtime wages, unpaid overtime premiums, unpaid spread of hours premiums, unpaid call-in pay premiums, New York State/FLSA liquidated damages, Wage Theft Prevention Act violation penalties, compensatory damages under the Family and Medical Leave Act, and Internal Revenue Code violation penalties, amounting in all to \$175,965.17.

Plaintiff served the Complaint on Defendant C-Town on June 20, 2024 and then served Defendant Vargas on July 1, 2024. ECF Nos. 5–6. Plaintiff later amended its Complaint and served the Amended Complaint on Defendant Vargas on August 10, 2024 and then served Defendant C-Town on August 28, 2024. ECF Nos. 10, 12. Plaintiff filed a Proposed Certificate of Default on October 1, 2024 and the Clerk of Court issued a Certificate of Default for both Defendants that same day. ECF Nos. 16–18. On October 17, 2024, the Court ordered Plaintiff to file its anticipated motion for default judgment according to the Court’s Rules of Individual Practice. ECF No. 19.

On December 2, 2024, Plaintiff filed his motion for default judgment and the supporting memorandum and papers. ECF Nos. 25–28. On January 7, 2025, the Court ordered the Defendants to show cause as to why default judgment should not be granted and entered against them. ECF No. 29. In this Order, the Court advised the Defendants that failure to respond to this Order to Show Cause would be grounds for default judgment being entered against them. On January 21, 2025, Plaintiff filed proof of service by certified mail of the Court’s January 7 Order to Show Cause on the Defendants. ECF No. 30–31. To date, the Defendants have not responded to the Court’s Order to Show Cause, opposed the motion, or otherwise participated in this action.

Accordingly, having considered the Affirmation of C.K. Lee dated and filed December 2, 2024 (ECF No. 26), the Declaration of Secundino Garcia Pichardo dated November 26, 2024 and filed December 2, 2024, (ECF No. 27), the Memorandum of Law in Support of the Motion for Default Judgment, (ECF No. 28), as well as the summonses and Amended Complaint previously filed in this action (and affidavits of service thereof), it is hereby **ORDERED** that judgment be entered in Plaintiff’s favor against Defendants on all counts of Plaintiff’s Amended Complaint as to liability only. The Clerk of Court is directed to terminate Plaintiff’s motion docketed at ECF No. 25.

SO ORDERED.

Dated: **July 2, 2025**
New York, New York



ANDREW L. CARTER, JR.
United States District Judge